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Attorney for Movant

SASSAN RAISSI, A SOLE INDIVIDUAL, AS TO AN UNDIVIDED 600,000/1,429,000  
INTEREST; JERRY KIACHIAN, A MARRIED MAN AS HIS SOLE AND SEPARATE  
PROPERTY, AS TO AN UNDIVIDED 629,500/1,429,000 INTEREST; MOHSEN  
KEYASHIAN, A MARRIED MAN AS HIS SOLE AND SEPARATE PROPE

**UNITED STATES BANKRUPTCY COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN JOSE DIVISION**

In Re	)	Case No.: 20-50182
	)	
Pierce Contractors, Inc.,	)	<i>Chapter 11</i>
	)	
Debtor.	)	RS: ETW-001
	)	
	)	<b>DECLARATION IN SUPPORT OF</b>
	)	<b>MOTION FOR RELIEF FROM THE</b>
	)	<b>AUTOMATIC STAY</b>
	)	
	)	Date: May 1, 2020
	)	Time: 10:00 a.m.
	)	Place: 280 South First Street
	)	Courtroom 11, San Jose, CA

I, JERRY KIACHIAN, declare and state:

1. I am over 18 years of age. The following facts are true and correct as to my own  
personal knowledge and belief, and if called upon to testify as a witness in Court, I could and  
would competently testify in such capacity.

1        2. I am one of the Movants herein. I am personally familiar with the books, records, and  
2 files that pertain to the loans and extensions of credit given to Debtor concerning the property  
3 described herein. As to the following facts, I know them to be true of my own knowledge or I  
4 have gained knowledge of them from my business records which I keep and which Superior  
5 Loan Servicing, my loan servicer also maintains on my behalf, all of which were made at or  
6 about the time of the events recorded, and which are maintained in the ordinary course of  
7 business at or near the time of the acts, conditions, or events to which they relate. Any such  
8 document was prepared in the ordinary course of business by a person who had personal  
9 knowledge of the event being recorded and had or has a business duty to record accurately such  
10 event. The business records are available for inspection and copies can be submitted to the  
11 Court if required. I offer the testimony in this declaration based on my review of the relevant  
12 business records and my own personal knowledge of the same.

13        3. True and correct copies of the Note and Deed of Trust executed by Debtor are attached  
14 hereto as Exhibits "A" and "B" respectively. The named Movant herein is the holder of the  
15 Note as that term is defined by the Uniform Commercial Code.

16        4. On or about May 2, 2019, Borrower executed a Note in the original principal amount of  
17 \$1,429,000.00 ("Note"). The indebtedness under the Note is secured by a Deed of Trust  
18 recorded against the Property ("Deed of Trust"). Movant's loan servicing agent is Superior  
19 Loan Servicing.

20        5. Secured Creditor is the only lienholder on the subject property. The amount owed on  
21 Secured Creditor lien is \$1,614,709.91. Debtor Schedule's value the property at \$2,000,000.00.  
22 With 8% cost of sale, there is no equity to protect us. The property taxes are delinquent on the  
23 subject property. The first installment of the 2019-2020 tax year is delinquent. The amount  
24 owed is \$11,209.39. These taxes were due December 10, 2019. See Exhibit "H".

1 6. Debtor has not made a payment on the loan.

2 7. Debtor failed to disclose a junior lien for \$470,000.00. Attached is an excerpt from a  
3 Trustee Sale Guarantee, which shows this lien. See attached Exhibit "T".

4 I declare under penalty of perjury under the laws of the State of California and the  
5 United States of America that the foregoing is true and correct.

6 Executed on this 25 day of March 25, 2020 at Los Altos,  
7 California.

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10 JERRY KIACHIAN  
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